

**Executive Summary – Enforcement Matter – Case No. 49035**  
**ELIZA INTERNATIONAL LLC dba Short Stop**  
**RN103046363**  
**Docket No. 2014-1129-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Short Stop, 4345 US Highway 96 north, Silsbee, Hardin County

**Type of Operation:**

Convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes 2009-0098-PST-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 13, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,273

**Amount Deferred for Expedited Settlement:** \$3,454

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$414

**Total Due to General Revenue:** \$13,405

Payment Plan: 35 payments of \$383 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and April 2014

**Executive Summary – Enforcement Matter – Case No. 49035**  
**ELIZA INTERNATIONAL LLC dba Short Stop**  
**RN103046363**  
**Docket No. 2014-1129-PST-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 10, 2014

**Date(s) of NOE(s):** August 18, 2014

***Violation Information***

1. Failed to submit a pre-test notification ten working days in advance of a test. Specifically, the Respondent did not notify the appropriate regional office of the Stage II tests conducted on February 28, 2013 and February 25, 2014 [30 TEX. ADMIN. CODE § 115.245(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit the Stage II vapor recovery system test results to the appropriate regional office within ten working days of the completion of the tests. Specifically, the Respondent failed to submit the results from the February 22, 2011, February 26, 2012, February 28, 2013 and February 25, 2014 Stage II vapor recovery system tests [30 TEX. ADMIN. CODE § 115.245(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, the Respondent failed to submit the results from the February 22, 2011, February 26, 2012, February 28, 2013 and February 25, 2014 Stage II vapor recovery system tests [30 TEX. ADMIN. CODE § 115.242(d)(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to ensure at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery system [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Respondent failed to verify proper operation of the Stage II equipment at dispensing point 1/2 by the due date of February 16, 2010 [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to ensure that a legible tag, label, or marking with tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated underground storage tank ("UST") according to the UST registration and self-certification form [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].

**Executive Summary – Enforcement Matter – Case No. 49035**  
**ELIZA INTERNATIONAL LLC dba Short Stop**  
**RN103046363**  
**Docket No. 2014-1129-PST-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent conducted the required Stage II annual compliance testing with passing results on February 22, 2011.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Develop and implement procedures to ensure timely submittal of Stage II testing notifications and results;
  - ii. Post Stage II operating instructions conspicuously on the front of each gasoline dispensing pump;
  - iii. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system; and
  - iv. Permanently apply or affix legible tags, labels, or markings to either the top of the UST fill tubes or to a non-removable point in the immediate area of the fill tubes with an identification number that matches the number listed on the UST registration and self-certification form.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Allyson Plantz, Enforcement Division,  
Enforcement Team 7, MC 128, (512) 239-4593; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Almas Jasani, Director, ELIZA INTERNATIONAL LLC, 4345 U.S.  
Highway 96 North, Silsbee, Texas 77656

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	14-Jul-2014	<b>Screening</b>	21-Jul-2014	<b>EPA Due</b>	
	<b>PCW</b>	16-Jan-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	ELIZA INTERNATIONAL LLC dba Short Stop				
<b>Reg. Ent. Ref. No.</b>	RN103046363				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49035	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-1129-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Allyson Plantz
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **30.0%** Enhancement **Subtotals 2, 3, & 7** **\$900**

Notes

Enhancement for one agreed order with denial of liability and unsatisfactory performer classification.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **-\$500**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$630  
Estimated Cost of Compliance \$1,050

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,400**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **17.9%** **Adjustment** **\$608**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 1 and 2.

**Final Penalty Amount** **\$4,008**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$4,008**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$801**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$3,207**

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 2 (September 2002)

Case ID No. 49035

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one agreed order with denial of liability and unsatisfactory performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 30%

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 2 (September 2002)

Case ID No. 49035

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 115.245(6) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to submit the Stage II vapor recovery system test results to the appropriate regional office within ten working days of the completion of the tests. Specifically, the Respondent failed to submit the results from the February 22, 2011 Stage II vapor recovery system tests.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$1,532

This violation Final Assessed Penalty (adjusted for limits) \$1,532

# Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop  
**Case ID No.** 49035  
**Reg. Ent. Reference No.** RN103046363  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	10-Jun-2014	14-Apr-2015	0.84	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure timely submittal of Stage II testing results. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	8-Mar-2011	10-Jun-2014	4.18	\$10	\$50	\$60

Notes for AVOIDED costs

Estimated avoided cost to submit results of a Stage II test to the appropriate regional office. The Date Required is ten business days after the February 22, 2011 test date and the Final Date is the investigation date.

Approx. Cost of Compliance

\$550

TOTAL

\$82



Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 2 (September 2002)

Case ID No. 49035

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Respondent failed to verify proper operation of the Stage II equipment at dispensing point 1/2 by the due date of February 16, 2010.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 2

371 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,000

Two annual events are recommended for the period preceding the June 10, 2014 investigation.

## Good Faith Efforts to Comply

25.0%

Reduction \$500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on February 22, 2011, before the Notice of Enforcement ("NOE") dated August 18, 2014.

Violation Subtotal \$1,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$548

Violation Final Penalty Total \$2,476

This violation Final Assessed Penalty (adjusted for limits) \$2,476

## Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop

**Case ID No.** 49035

**Reg. Ent. Reference No.** RN103046363

**Media** Petroleum Storage Tank

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	16-Feb-2010	22-Feb-2011	1.93	\$48	\$500	\$548
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for testing the Stage II equipment. The Date Required is the date the Stage II testing was due and the Final Date is the compliance date.

Approx. Cost of Compliance

\$500

**TOTAL**

\$548



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	14-Jul-2014	<b>Screening</b>	21-Jul-2014	<b>EPA Due</b>	
	<b>PCW</b>	16-Jan-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	ELIZA INTERNATIONAL LLC dba Short Stop		
<b>Reg. Ent. Ref. No.</b>	RN103046363		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49035	<b>No. of Violations</b>	4
<b>Docket No.</b>	2014-1129-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Allyson Plantz
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$10,000**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **30.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,000**

Notes: Enhancement for one agreed order with denial of liability and unsatisfactory performer classification.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$291  
Estimated Cost of Compliance \$875  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$13,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **2.0%** **Adjustment** **\$265**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 1.

**Final Penalty Amount** **\$13,265**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$13,265**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$2,653**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$10,612**

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 4 (April 2014)

Case ID No. 49035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one agreed order with denial of liability and unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 30%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 30%

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 4 (April 2014)

Case ID No. 49035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.245(3) and (6) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to submit a pre-test notification ten working days in advance of a test. Specifically, the Respondent did not notify the appropriate regional office of the Stage II tests conducted on February 28, 2013 and February 25, 2014. Also, failed to submit the Stage II vapor recovery system test results to the appropriate regional office within ten working days of the completion of the tests. Specifically, the Respondent failed to submit the results from the February 26, 2012, February 28, 2013 and February 25, 2014 Stage II vapor recovery system tests.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 5

5 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$6,250

Five single events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$6,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$265

Violation Final Penalty Total \$8,291

This violation Final Assessed Penalty (adjusted for limits) \$8,291

# Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop  
**Case ID No.** 49035  
**Reg. Ent. Reference No.** RN103046363  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in violation no. 1 of the revision 2 PCW.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	10-Feb-2014	10-Jun-2014	1.25	\$6	\$100	\$106
Other (as needed)	\$150	11-Mar-2014	10-Jun-2014	1.17	\$9	\$150	\$159

Notes for AVOIDED costs

Estimated avoided cost to notify the TCEQ of a Stage II test and submit results to the appropriate regional office (\$50 per test). The Date Required is ten business days before and after the most recent test date and the Final Date is the investigation date.

Approx. Cost of Compliance

\$250

TOTAL

\$265

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 4 (April 2014)

Case ID No. 49035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.242(d)(9) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, Stage II operating instructions were not posted on any of the dispensers.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,658

This violation Final Assessed Penalty (adjusted for limits) \$1,658

# Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop

**Case ID No.** 49035

**Reg. Ent. Reference No.** RN103046363

**Media** Petroleum Storage Tank

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	10-Jun-2014	14-Apr-2015	0.84	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to post Stage II operating instructions on each dispensing pump. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$25

**TOTAL**

\$1



Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 4 (April 2014)

Case ID No. 49035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.248(1) and Tex. Health &amp; Safety Code § 382.085(b)

**Violation Description** Failed to ensure at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery system.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the June 10, 2014 investigation to the July 21, 2014 screening date.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,658

This violation Final Assessed Penalty (adjusted for limits) \$1,658

# Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop

**Case ID No.** 49035

**Reg. Ent. Reference No.** RN103046363

**Media** Petroleum Storage Tank

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	10-Jun-2014	14-Apr-2015	0.84	\$21	n/a	\$21
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to train a Stage II Station representative and conduct in-house employee Stage II training. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$21

Screening Date 21-Jul-2014

Docket No. 2014-1129-PST-E

PCW

Respondent ELIZA INTERNATIONAL LLC dba Short Stop

Policy Revision 4 (April 2014)

Case ID No. 49035

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103046363

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Allyson Plantz

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 334.8(c)(5)(C)

Violation Description

Failed to ensure that a legible tag, label, or marking with tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated underground storage tank ("UST") according to the UST registration and self-certification form.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,658

This violation Final Assessed Penalty (adjusted for limits) \$1,658

# Economic Benefit Worksheet

**Respondent** ELIZA INTERNATIONAL LLC dba Short Stop

**Case ID No.** 49035

**Reg. Ent. Reference No.** RN103046363

**Media** Petroleum Storage Tank

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Jun-2014	14-Apr-2015	0.84	\$4	n/a	\$4

**Notes for DELAYED costs**

Estimated cost to label the tank fill ports. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$4

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603924325, RN103046363, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN603924325, ELIZA INTERNATIONAL LLC **Classification:** UNSATISFACTORY **Rating:** 88.00

**Regulated Entity:** RN103046363, Short Stop **Classification:** UNSATISFACTORY **Rating:** 88.00

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 4345 US HIGHWAY 96 N, SILSBEE, TX 77656-7828, HARDIN COUNTY

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 23988

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** August 11, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 21, 2009 to July 21, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Allyson Plantz

**Phone:** (512) 239-4593

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If **YES** for #2, who is the current owner/operator? KHAN, MOHAMMED DINAJ OWNER since 10/31/2008  
ELIZA INTERNATIONAL LLC OPERATOR since 11/1/2008
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? KHAN, MOHAMMED DINAJ, OWNER OPERATOR, 1/27/2006 to 11/1/2008  
JASANI, HUSAIN, OPERATOR, 11/1/2008 to 11/1/2008
- 5) If **YES**, when did the change(s) in owner or operator occur? 11/1/2008

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 08/09/2010 ADMINORDER 2009-0098-PST-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain Stage II records at the Station and make them immediately available for review upon request by agency personnel.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)  
5C THSC Chapter 382 382.085(b)

Description: Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first.

Classification: Major

Citation: 30 TAC Chapter 115, SubChapter C 115.242(1)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failed to upgrade the Stage II equipment to onboard refueling vapor recovery compatible systems.  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacture and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)

Description: Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel.

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)

30 TAC Chapter 37, SubChapter I 37.815(b)

Description: Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(C)

Description: Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according to the UST registration and self-certification form.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.45(c)(3)(A)

Description: Failed to ensure that the emergency shutoff valves (also known as a shear or impact valve) were securely anchored at the base of the dispensers.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failed to notify the agency of any change or addition within 30 days from the date of the occurrence of the change or addition, or within 30 days from the date on which the owner or operator first became aware of the change or addition.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	May 08, 2012	(942671)
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**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:** N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ELIZA INTERNATIONAL LLC  
DBA SHORT STOP  
RN103046363**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY  
§**

## **AGREED ORDER DOCKET NO. 2014-1129-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ELIZA INTERNATIONAL LLC dba Short Stop ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent operates a convenience store with retail sales of gasoline at 4345 United States Highway 96 North in Silsbee, Hardin County, Texas (the "Station").
2. The Respondent's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 23, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventeen Thousand Two Hundred Seventy-Three Dollars (\$17,273) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Fourteen Dollars (\$414) of the administrative penalty and Three Thousand Four Hundred Fifty-Four Dollars (\$3,454) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirteen Thousand Four Hundred Five Dollars (\$13,405) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Eighty-Three Dollars (\$383) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent conducted the required Stage II annual compliance testing with passing results on February 22, 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As operator of the Station, the Respondent is alleged to have:



1. Failed to submit a pre-test notification ten working days in advance of a test, in violation of 30 TEX. ADMIN. CODE § 115.245(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2014. Specifically, the Respondent did not notify the appropriate regional office of the Stage II tests conducted on February 28, 2013 and February 25, 2014.
2. Failed to submit the Stage II vapor recovery system test results to the appropriate regional office within ten working days of the completion of the tests, in violation of 30 TEX. ADMIN. CODE § 115.245(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2014. Specifically, the Respondent failed to submit the results from the February 22, 2011, February 26, 2012, February 28, 2013 and February 25, 2014 Stage II vapor recovery system tests.
3. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.242(d)(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2014. Specifically, Stage II operating instructions were not posted on any of the dispensers.
4. Failed to ensure at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2014.
5. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 10, 2014. Specifically, the Respondent failed to verify proper operation of the Stage II equipment at dispensing point 1/2 by the due date of February 16, 2010.
6. Failed to ensure that a legible tag, label, or marking with tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on June 10, 2014.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be

constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ELIZA INTERNATIONAL LLC dba Short Stop, Docket No. 2014-1129-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
- i. Develop and implement procedures to ensure timely submittal of Stage II testing notifications and results, in accordance with 30 TEX. ADMIN. CODE § 115.245;
  - ii. Post Stage II operating instructions conspicuously on the front of each gasoline dispensing pump, in accordance with 30 TEX. ADMIN. CODE § 115.242;
  - iii. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.248; and
  - iv. Permanently apply or affix legible tags, labels, or markings to either the top of the UST fill tubes or to a non-removable point in the immediate area of the fill tubes with an identification number that matches the number listed on the UST registration and self-certification form, in accordance with 30 TEX. ADMIN. CODE § 334.8.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Ramona Garcia  
For the Executive Director

8/14/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Almal  
Signature

2/9/15  
Date

Almal Jalani  
Name (Printed or typed)  
Authorized Representative of  
ELIZA INTERNATIONAL LLC dba Short Stop

Director  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.